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IM62/0620

EXAMINER

AHMED, S

ART UNIT

PAPER NUMBER

1773

DATE MAILED:

06/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/178,329

Applicant(s)

Nowak et al.

Examiner

Sheeba Ahmed

Group Art Unit

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☒ Responsive to communication(s) filed on Jun 6, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-17 is/are pending in the application

Of the above, claim(s) 12-14 is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-11 and 15-17 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Election/Restriction

1. Applicant's election with traverse of Group I, claims 1-12 and 15-17 in Paper No.6 is acknowledged. However, no grounds for traversal have been presented. A complete reply to this Office Action must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Objections

2. Claims 5 and 6 are objected to because of the following informalities:

Claim 5, line 3: one instance of "tissue" should be deleted.

Claim 6, line 3: ", ," should be replaced with ", "

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Akao et al. (US 4,359,499).

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Akao et al. disclose packaging material (i.e., wrap material) comprising a polyethylene film (1) (*equivalent to the polymer film layer of the claimed invention*) and a paper layer (2) (*equivalent to the paper layer of the claimed invention*) bonded together with a polyethylene adhesive (3) (*equivalent to the adhesive layer of the claimed invention*) (Column 1, lines 7-9 and Column 2, lines 34-45). With regards to the limitation that the polymer film layer and/or the adhesive layer provide a moisture vapor barrier, the Examiner takes the position that such a property is inherent within the laminate disclosed by Akao et al. given that the structure and composition of the laminates disclosed by Akao et al. and that of the claimed invention are identical. All limitations of the claimed invention are either inherent or disclosed in the above reference.

4. Claims 1, 2, 6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Gibbons et al. (US 4,948,640).

Gibbons et al. disclose heat sealable barrier laminates (Column 1, lines 7-10) comprising a layer of polyethylene, a paperboard substrate (*equivalent to the paper layer of the claimed invention*), a tie layer of a polymer of ethylene acrylic acid (*equivalent to the adhesive layer of the claimed invention*), a polyethylene terephthalate layer (*equivalent to the polymer material layer of the claimed invention*) and another layer of polyethylene (Column 2, lines 21-33). With regards to the limitation that the polymer film layer and/or the adhesive layer provide a moisture vapor barrier, the Examiner takes the position that such a property is inherent within the laminate

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disclosed by Gibbons et al. given that the structure and composition of the laminates disclosed by Gibbons et al. and that of the claimed invention are identical. All limitations of the claimed invention are either inherent or disclosed in the above reference.

5. Claims 1, 2, 6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato et al. (US 5,527,622).

Kato et al. disclose a packaging laminate comprising a paper substrate (1)layer (*equivalent to the paper layer of the claimed invention*) , a sealing layer (2) layer (*equivalent to the polymer material layer of the claimed invention*) and a barrier layer (3) layer (*equivalent to the adhesive layer of the claimed invention*) between the substrate and the sealing layer. The substrate is a paper layer, the sealing layer is a polyester resin and the gas barrier film is a vinylidene chloride copolymer (Column 8, lines 17-42). With regards to the limitation that the polymer film layer and/or the adhesive layer provide a moisture vapor barrier, the Examiner takes the position that such a property is inherent within the laminate disclosed by Kato et al. given that the structure and composition of the laminates disclosed by Kato et al. and that of the claimed invention are identical. All limitations of the claimed invention are either inherent or disclosed in the above reference.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

6. Claims 1-4, 6, 8, 9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Wenzel et al. (US 5,837,383).

Wenzel et al. disclose coated paper stocks useful as packages and having water, grease and moisture vapor resistance (Column 1, lines 11-13). The coated paper stock comprises a substrate (12) (*equivalent to the paper layer of the claimed invention*) coated with a primer coat (*equivalent to the adhesive layer of the claimed invention*) (14) and a top coat (16) (*equivalent to the polymer material layer of the claimed invention*) over the primer coat (as shown in Figure 1 and Column 4, lines 42-46). The primer coat may be a water-based dispersion of ethylene-vinyl acetate or polyvinylidene chloride (Column 5, lines 1-3) and may be combined with a pigment or a wax emulsion (Column 5, lines 27-37). The top coat forms a pin-hole free film serving as a barrier to water, water vapor and grease and may contain polyethylene (column 5, lines 47-48 and Column 6, lines 1-4). The substrate may be paper or paperboard including substrates having a basis weight in the range of 20 to 300 lbs per 3,000 sq. ft (Column 6, lines 20-29). All limitations of the claimed invention are disclosed in the above reference.

7. Claims 1, 2, 6, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Parks (US 5,725,917).

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Parks discloses barrier laminates used for packaging (Column 1, lines 6-8) and comprising the structure: paperboard (*equivalent to the paper layer of the claimed invention*) /nylon (*equivalent to the adhesive layer of the claimed invention*) /polyethylene (*equivalent to the polymer material layer of the claimed invention*) (as shown in Column 2, lines 45-47). With regards to the limitation that the polymer film layer and/or the adhesive layer provide a moisture vapor barrier, the Examiner takes the position that such a property is inherent within the laminate disclosed by Parks given that the structure and composition of the laminate disclosed by Parks and that of the claimed invention are identical. All limitations of the claimed invention are either inherent or disclosed in the above reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3, 4, 5, 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunker et al. (US 5,128,182) in view of Gibbons et al. (US 4,888,222).

Bunker et al. disclose composite wrap materials comprising a first layer of a absorbent material, a second layer of a printable material and a water vapor impermeable polymer layer interposed between the first and second layers. The first and second layer are non-continuously

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bonded (Column 2, lines 25-34). The absorbent layer may be tissue or embossed paper and have a basis weight of 5 to 50lbs/3,000 sq. ft (Column 3, lines 45-50). The impermeable layer may be wax/polymer blends, polyethylene, polyvinylidene chloride, ethylene acrylic acid, polypropylene, polyester, nylon, polymethylpentene, polyester, ethylene vinyl acetate or a hot melt. The polymer may be pigmented (Column 4, lines 33-51). Bunker et al. disclose the claimed invention but do not specifically state that the printable layer is polyethylene, polypropylene, polyethylene terephthalate, nylon, polyester or ionomer. However, Gibbons et al. disclose a heat sealable barrier laminate having outer layers of polyethylene. Gibbons et al. disclose that polyethylene layers are well known to be components of paperboard packages. Accordingly, it would have been obvious to one having ordinary skill in the art to use a polyethylene layer as the printable layer in the laminate disclosed by Bunker et al. given that Gibbons et al. specifically teach that doing so leads to a high strength, heat resistant layer that effectively prevents pin holes thorough the product contact layers even when using non-foil barrier layers.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bunker et al. (US 5,128,182) in view of Gibbons et al. (US 4,888,222) and Mishina et al. (US 4,363,851).

Bunker et al. and Gibbons et al., as discussed above, disclose the claimed invention but do not specifically state that the surface of the first or second layer is metalized. However, Mishina et al. disclose metal-deposited paper (i.e., metalized paper) having moisture resistance (Column 1, lines 5-10) and used in conjunction with other barrier layers. Accordingly, it would have been

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obvious to one having ordinary skill in the art to use a metallized paper in the laminate disclosed by Bunker et al. given that Mishina et al. specifically state that such a paper provides superior bursting property, bendability, strength, elongation and hardness.

10. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akao et al. (US 4,359,499) in view of Wittosch et al. (US 5,989,724).

Akao et al., as discussed above, disclose packaging material (i.e., wrap material) comprising a polyethylene film (1) (*equivalent to the polymer film layer of the claimed invention*) and a paper layer (2) (*equivalent to the paper layer of the claimed invention*) bonded together with a polyethylene adhesive (3) (*equivalent to the adhesive layer of the claimed invention*) (Column 1, lines 7-9 and Column 2, lines 34-45). Akao et al. disclose the claimed invention but do not specifically state that the wrap material may be used to wrap a ream of paper. However, Wittosch et al. disclose coated paper stocks having water, grease and moisture vapor resistant characteristics and is used as ream wrap. The wrap material comprises a substrate coated with a base coat and a at least one additional polymeric coat over the base coat (Column 1, lines 11-23). The base coat may be ethylene-vinyl acetate or polyvinylidene chloride and may additionally contain pigments. The substrates may be paper having basis weight of 20-150 lbs/3,000 sq. ft (Column 3, lines 4-40). Accordingly, it would have been obvious to one having ordinary skill in the art to use the packaging material disclosed by Akao et al. as a wrap for a ream of paper given that Wittosch et al. teach that paper packaging materials may be used as such.

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11. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbons et al. (US 4,948,640) in view of Wittosch et al. (US 5,989,724).

Gibbons et al., as discussed above, disclose heat sealable barrier laminates (Column 1, lines 7-10) comprising a paperboard substrate (*equivalent to the paper layer of the claimed invention*), a tie layer of a polymer of ethylene acrylic acid (*equivalent to the adhesive layer of the claimed invention*), a polyethylene terephthalate layer (*equivalent to the polymer material layer of the claimed invention*). Gibbons et al. disclose the claimed invention but do not specifically state that the wrap material may be used to wrap a ream of paper. However, Wittosch et al. disclose coated paper stocks having water, grease and moisture vapor resistant characteristics and is used as ream wrap. The wrap material comprises a substrate coated with a base coat and a at least one additional polymeric coat over the base coat (Column 1, lines 11-23). The base coat may be ethylene-vinyl acetate or polyvinylidene chloride and may additionally contain pigments. The substrates may be paper having basis weight of 20-150 lbs/3,000 sq. ft (Column 3, lines 4-40). Accordingly, it would have been obvious to one having ordinary skill in the art to use the packaging material disclosed by Gibbons et al. as a wrap for a ream of paper given that Wittosch et al. teach that paper packaging materials may be used as such.

12. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (US 5,527,622) in view of Wittosch et al. (US 5,989,724).

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Kato et al., as discussed above, disclose a packaging laminate comprising a paper substrate (1) layer (*equivalent to the paper layer of the claimed invention*), a sealing layer (2) layer (*equivalent to the polymer material layer of the claimed invention*) and a barrier layer (3) layer (*equivalent to the adhesive layer of the claimed invention*) between the substrate and the sealing layer. Kato et al. disclose the claimed invention but do not specifically state that the wrap material may be used to wrap a ream of paper. However, Wittosch et al. disclose coated paper stocks having water, grease and moisture vapor resistant characteristics and is used as ream wrap. The wrap material comprises a substrate coated with a base coat and a at least one additional polymeric coat over the base coat (Column 1, lines 11-23). The base coat may be ethylene-vinyl acetate or polyvinylidene chloride and may additionally contain pigments. The substrates may be paper having basis weight of 20-150 lbs/3,000 sq. ft (Column 3, lines 4-40). Accordingly, it would have been obvious to one having ordinary skill in the art to use the packaging material disclosed by Kato et al. as a wrap for a ream of paper given that Wittosch et al. teach that paper packaging materials may be used as such.

13. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenzel et al. (US 5,837,383) in view of Wittosch et al. (US 5,989,724).

Wenzel et al., as discussed above, disclose coated paper stocks useful as packages and having water, grease and moisture vapor resistance (Column 1, lines 11-13). The coated paper stock comprises a substrate (12) (*equivalent to the paper layer of the claimed invention*) coated

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with a primer coat (*equivalent to the adhesive layer of the claimed invention*) (14) and a top coat (16) (*equivalent to the polymer material layer of the claimed invention*) over the primer coat (as shown in Figure 1 and Column 4, lines 42-46). Wenzel et al. disclose the claimed invention but do not specifically state that the wrap material may be used to wrap a ream of paper. However, Wittosch et al. disclose coated paper stocks having water, grease and moisture vapor resistant characteristics and is used as ream wrap. The wrap material comprises a substrate coated with a base coat and a at least one additional polymeric coat over the base coat (Column 1, lines 11-23). The base coat may be ethylene-vinyl acetate or polyvinylidene chloride and may additionally contain pigments. The substrates may be paper having basis weight of 20-150 lbs/3,000 sq. ft (Column 3, lines 4-40). Accordingly, it would have been obvious to one having ordinary skill in the art to use the packaging material disclosed by Wenzel et al. as a wrap for a ream of paper given that Wittosch et al. teach that paper packaging materials may be used as such.

14. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parks (US 5,725,917) in view of Wittosch et al. (US 5,989,724).

Parks, as discussed above, discloses barrier laminates used for packaging (Column 1, lines 6-8) and comprising the structure: paperboard (*equivalent to the paper layer of the claimed invention*) /nylon (*equivalent to the adhesive layer of the claimed invention*) /polyethylene (*equivalent to the polymer material layer of the claimed invention*) (as shown in Column 2, lines 45-47). Parks disclose the claimed invention but do not specifically state that the wrap


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material may be used to wrap a ream of paper. However, Wittosch et al. disclose coated paper stocks having water, grease and moisture vapor resistant characteristics and is used as ream wrap. The wrap material comprises a substrate coated with a base coat and a at least one additional polymeric coat over the base coat (Column 1, lines 11-23). The base coat may be ethylene-vinyl acetate or polyvinylidene chloride and may additionally contain pigments. The substrates may be paper having basis weight of 20-150 lbs/3,000 sq. ft (Column 3, lines 4-40). Accordingly, it would have been obvious to one having ordinary skill in the art to use the packaging material disclosed by Parks as a wrap for a ream of paper given that Wittosch et al. teach that paper packaging materials may be used as such.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Sheeba Ahmed whose telephone number is (703) 305-0594. The Examiner can normally be reached on Monday-Friday from 8am to 5pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Paul Thibodeau, can be reached at (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5436.

 Sheeba Ahmed
June 16, 2000


Paul Thibodeau
Supervisory Patent Examiner
Technology Center 1700